

Appl. No. 10/826,094
Reply to Office Action of December 13, 2004

Confirmation No. 9255

REMARKS

The Examiner has required restriction to one of two groups:

I. Claims 1-15, drawn to a composition for inhibiting bacterial biofilm on devices comprising an iron-sequestering glycoprotein.

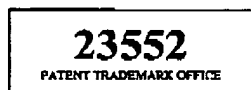
II. Claims 16-35, drawn to a method of preparing a device wherein the device is a medical device coated with a peptide containing composition.

Without acquiescing to the statements made in the Restriction Requirement, Applicant hereby elects with traverse the claims of Group I (claims 1-15) for prosecution in the instant application.

The traversal is on the ground that sufficient reasons and/or examples to justify a Restriction Requirement have not been provided. Applicants submit that it would not be unduly burdensome to search the claims of Group II, since search and examination of the compositions of Group I would likely encompass the method of treating a surface with the compositions of Group I as claimed in Group II. Therefore, Applicants respectfully submit that the Examiner has not established an undue burden in examining Groups I and II in the same application.

Applicant wishes to remind the Examiner, although the Examiner is aware, that non-elected process claims that depend from the patentable product claim can be re-joined upon allowability of the product claims and prior to final rejection or allowance.


If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.



Date:

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300


Ronald A. Dargnault
Reg. No. 25,968